

Attorney Docket No. 102565-100
U.S. Serial No. 09/732,531
Page 6 of 8

REMARKS

In the present Office Action, claims 2, 3, 5, 6, 8, 9 and 11-13 were examined. Claims 2, 3, 5, 6, 8, 9 and 11-13 are rejected. No claims are objected to and no claims are allowed.

By this Amendment, claims 2, 3, 5, 6, 8, 9 and 11-13 have been amended, no claims have been canceled, and claims 14-16 have been added. Accordingly, claims 2, 3, 5, 6, 8, 9 and 11-16 are presented for further examination. No new matter has been added. By this Amendment, claims 2, 3, 5, 6, 8, 9 and 11-16 are believed to be in condition for allowance.

Applicant's invention, as embodied in the independent claims, is drawn to an apparatus, method and software to enable management to more properly run a business. There are many factors that influence a business decision and these factors are all interrelated. As noted in Applicant's revised specification, (Attachment 1 – Clean Version of Replacement Specification), prosperity is optimized when there is mutual satisfaction, on the part of the customer and the business owner (at paragraph [0032]). The recognition that personal satisfaction is quantifiable and influences the financial report is neither taught nor suggested by the prior art of record in this patent application. A properly run business includes business components that have been balanced, harmonized and synergized (at paragraph [0025]).

The inclusion of "Man" as a variable for a dynamic decision making management tool is neither taught nor suggested by the prior art of record in this patent application.

The pending claims were rejected under 35 U.S.C. 102(e) as anticipated by Clancey et al. (US Patent No. 6,134,563). Clancey et al. is drawn to a dynamic spreadsheet that allows the user to input data and to create mock-ups to simulate alternative conditions. However, as noted in claim 1 of Clancey et al. at column 47, lines 9-10, the required data is drawn to financial data. There is no recognition in Clancey et al. to incorporate the desires of the business owner and the customers into the simulation. As such, while the spreadsheet of Clancey et al. may assist the decision maker in optimizing profits, it is not useful to direct the decision maker to the optimum happiness for both customer and business owner. Note that happiness is not limited to

Attorney Docket No. 102565-100
U.S. Serial No. 09/732,531
Page 7 of 8

maximizing financial return, as noted in Applicant's specification at [0034] utilization of time is a factor, one business owner may seek to utilize time for family or hobbies while another may seek to utilize time to maximize wealth. The Clancey et al. spreadsheet is not capable of distinguishing between these two types of business owners and as such can not provide proper business direction.

Applicant's claims, as amended, should be allowed over the Clancey et al. reference.

Accordingly, Applicant submits that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicant respectfully requests reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.


If the Examiner has any questions or believes that a discussion with Applicant's attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Attorney Docket No. 102565-100
U.S. Serial No. 09/732,531
Page 8 of 8

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
Watsaka Chuangsuvanish

Date: November 21, 2005


Gregory S. Rosenblatt
Reg. No. 32,489

CONTACT INFORMATION:
WIGGIN & DANA LLP
One Century Tower
New Haven, CT 06508-1832
Telephone: (203) 498-4566
Facsimile: (203) 782-2889
Email: grosenblatt@wiggin.com

\\88888888\\1809\\563177.1